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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,883	12/09/2003	David R. Fairbaugh	046996/271556	6725
826	7590	03/22/2007	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3628	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/22/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/731,883	FAIRBAUGH, DAVID R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Akiba K. Robinson-Boyce	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 09 December 2003.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-31 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-31 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/8/07.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Status of Claims***

1. Due to communications filed 12/9/03, the following is a non-final first office action. Claims 1-31 are pending in this application and have been examined on the merits. Claims 1-31 are rejected as follows.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 10-20, and 27-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-3, 10-20, and 27-31, these claims recite "selecting/selection and assigning/assignment of a parking space, however, the steps of these claims only allows a user to select the parking space, but do not produce a result that actually assigns a parking space.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Curbow et al (US 2004/0015290 A1).

As per claim 1, Curbow et al discloses:

a data repository electronically retaining location data for parking, pricing data for parking and predetermined geographical data, ([0008], spaces in the parking lot that are empty represents location data since each space is in a particular location, handicap space information for a particular space represents predetermined geographical data since handicapped data is predetermined and each space is in a particular geographical location, and pricing, etc. are in database);

at least one user interface having a display, ([0050], lines 12-14, display screen); and

a controller interfacing with said data repository and said at least one user interface, ([0032], cursor control/directing device), said controller comprising:

a retrieval module structured to retrieve data from said data repository, ([0029], lines 7-9, shows database is queried and then data is transmitted wirelessly to the motorist (location and type of parking space), and [0047], information on the map can be retrieved from a lookup table on the database);

a processing module interfacing with said retrieval module and being structured to process the data based on predetermined parameters, ([0031], central processor, w/ [0029], transmitted wirelessly); and

a display module interfacing with said processing module and said at least one user interface and being structured to display the processed data in the form of an interactive map on said display of said at least one user interface whereby the user can selectively request geographical information relative to parking and the adjacent locale to enable the user to select parking, ([0050], display screen that allows the motorist to choose a parking space).

As per claims 4, Curbow et al discloses:

a processing element, ([0031], central processor), capable of generating and displaying an interactive map containing available parking for selection by a user, said processing element also is capable of receiving data corresponding to the parking selected by the user, ([0050], display screen that allows the motorist to choose a parking space), and wherein said processing element is further capable of assigning parking to the user, ([0009], requirements used to filter spaces and determine a space to be assigned to the driver).

As per claims 8, 19, 25, 30, Curbow et al discloses:

wherein said processing element is capable of assigning the user the selected parking/assigning the user the selected parking/wherein said executable portion assigns the user the selected parking, ([0009], requirements used to filter spaces and determine a space to be assigned to the driver) .

As per claim 10, Curbow et al discloses:

a processing element, ([0031], central processor), capable of receiving a request from a user for selected geographical information, (claim 32, motorist providing request, w/ Abstract, lines 16-20, request location), said processing element being capable retrieving data corresponding to the selected geographical information, said processing element being capable of processing the data according to predetermined parameters, and said processing element being capable of generating and displaying the requested geographical information as a component of an interactive map to enable the user to select parking, ([0050], display screen that allows the motorist to choose a parking space).

As per claim 13, Curbow et al discloses:

wherein said processing element is capable of assigning the user the selected parking, ([0009], requirements used to filter spaces and determine a space to be assigned to the driver).

As per claim 15, Curbow et al discloses:

receiving a request electronically from a user interface for information corresponding to at least one of location of parking, pricing for parking and availability of parking, (claim 32, motorist providing request, w/ Abstract, lines 16-20, request location);

retrieving data corresponding to the requested information from a data repository, ([0029], lines 7-9, shows database is queried and then data is transmitted wirelessly to the motorist (location and type of parking space[0047], information on the map can be retrieved from a lookup table on the database);

processing the data according to predetermined parameters, ([0031], central processor, w/ [0029], transmitted wirelessly);

generating an interactive map based at least in part upon the processed data; and displaying the interactive map at the user interface to enable a user to select parking, ([0050], display screen that allows the motorist to choose a parking space).

As per claim 16, Curbow et al discloses:

receiving a request electronically for geographical information, (claim 32, motorist providing request, w/ Abstract, lines 16-20, request location);

retrieving data corresponding to the requested geographical information from a data repository, ([0029], lines 7-9, shows database is queried and then data is transmitted wirelessly to the motorist (location and type of parking space[0047], information on the map can be retrieved from a lookup table on the database);

processing the data according to predetermined parameters, ([0031], central processor, w/ [0029], transmitted wirelessly); and

displaying the requested geographical information at the user interface as a component of the interactive map, ([0050], display screen that allows the motorist to choose a parking space).

As per claim 21, Curbow et al discloses:

an executable portion for generating and displaying an interactive map containing available parking for selection by a user, said executable portion receives data corresponding to the parking selected by the user; and wherein said executable portion assigns parking to the user, ([0050], display screen that allows the motorist to choose a parking space, w/[0009], requirements used to filter spaces and determine a space to be assigned to the driver).

As per claim 27, Curbow et al discloses:

an executable portion for receiving a request from a user for selected geographical information, (claim 32, motorist providing request, w/ Abstract, lines 16-20, request location), said executable portion retrieves data corresponding to the selected geographical information, said executable portion processes the data according to predetermined parameters, said executable portion generates and displays the requested geographical information as a component of an interactive map to enable the user to select parking, ([0050], display screen that allows the motorist to choose a

parking space).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 5-7, 1112, 17, 18, 22-24, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al (US 2004/0015290 A1) as applied to claim 1 above, and further in view of Haag (US 2003/0069665 A1).

As per claims 2, 5, 22, Curbow et al does not specifically disclose the following, but does disclose a system that produces an interactive map display of a parking area in [0005]).

However, Haag discloses:

wherein said interactive map comprises user-activated menus containing corresponding geographical information, ([0110], lines 1-14, facility location menu, etc). Haag discloses this limitation in an analogous art for the purpose of showing that menus are used so the user can make various selections related to the parking application.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the interactive map to comprise user-activated menus containing corresponding geographical information with the motivation of supplying the user with various options for choosing a parking space.

As per claims 3, 6, 7, 11, 12, 17, 18, 23, 24, 28, 29, Curbow et al does not specifically disclose the following, but does disclose a system that produces an interactive map display of a parking area in [0005]).

However, Haag discloses:

wherein said display module is structured to display payment options comprising at least one of bank account drafting and credit card processing/ wherein said processing element is capable of receiving data corresponding to the payment option selected by the user, and said processing element also is capable of processing the payment/receiving the user's payment selection; and processing the user's payment selection/wherein said executable portion displays payment options.../wherein said executable portion receives data corresponding to the payment option..., ([0010], lines 14-16, credit card). Haag discloses this limitation in an analogous art for the purpose of showing that the patron can secure the storage rack (or parking space) for reservation by selecting the payment option, and making a payment, thereby also making it inherent for the payment to be processed if the space is ultimately reserved.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the display module to display payment options comprising at least one of bank account drafting and credit card processing with the motivation of allowing the customer to have payment options that will allow payment for the parking space.

8. Claims 9, 14, 20, 26, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al (US 2004/0015290 A1) as applied to claim 1 above, and further in view of Slemmer et al (US 2004/0254840 A1).

As per claims 9, 14, 20, 26, 31, Curbow et al does not specifically disclose the following, but does disclose a system that produces an interactive map display of a parking area in [0005], and determines a space to be assigned to the driver in [0009].

However, Slemmer et al discloses:

wherein said processing element is capable of issuing the user a temporary parking permit/comprising issuing to the user a temporary parking permit/ wherein said executable portion issues the user a temporary parking permit, ([0086], hold). Slemmer et al discloses this limitation in an analogous art for the purpose of showing a that a hold can be placed on a space that does not have to be permanent).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.

March 16, 2007